

**Committee on Judiciary and Corrections**  
**July 11, 2007 – Public Hearing**  
**Senate Bill 156**

**Written Testimony by Assembly Representative Tony Staskunas**

Madam Chairwoman and members of the Judiciary and Corrections Committee.

I would like to thank you for holding a public hearing on Senate Bill 156 and I appreciate the opportunity to provide written testimony in favor of this legislation.

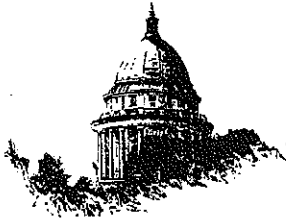
The statutes as presently written state that an anatomical gift that is not revoked before death is irrevocable and does not require the consent or concurrence of any person after the donor's death. Though the statutes are clear in specifying that the consent of the decedent to make an anatomical donation is to take precedence over the objections of surviving family members, this is not always general practice.

In many cases, a hospital is extremely reluctant to proceed with granting an anatomical gift if the family is against it. In these cases, the hospital still allows for a decedent's family, guardian, agent, or personal representative for their estate to override the donor's wishes and deny the anatomical gift. In many cases, the hospitals fear of potential litigation by the family prevents them from fulfilling the last wish of the decedent.

The wishes of the deceased to either leave an anatomical gift or not, should be inviolable and neither family nor legal guardians should be able to change their final decisions. The deceased can no longer speak for themselves and this decision, to leave a gift of life, should be honored.

This bill strengthens the statutory language and specifies that the family and legal guardians must honor a donor's anatomical gift and gives the hospitals firmer legal standing when carrying out the final decision of the deceased.

Thank you for your consideration of our proposal.



Wisconsin State Senate  
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**COMMITTEE ON JUDICIARY AND CORRECTIONS**  
**JULY 11, 2007 – PUBLIC HEARING**  
**Senate Bill 156 / Assembly Bill 240**

Madam Chairwoman and members of the Judiciary and Corrections Committee.

Thank you for the opportunity to address you today on Senate Bill 156 and its companion, Assembly Bill 240 – introduced by Representative Tony Staskunas. Our proposal simply clarifies current statutory language with regard to honoring a deceased individual's wishes to donate an anatomical gift.

Wisconsin law currently states that an anatomical gift that is not revoked before death is irrevocable and does not require the consent or concurrence of any individual after the donor's death.

While the language in the statutes is clear, often a hospital is reluctant to proceed if the decedent's family or the individual's guardian opposes the donation of the gift.

The purpose of Senate Bill 156 and Assembly Bill 240 is to strengthen current law by clearly specifying that family members and legal guardians must honor a donor's wishes with regard to donating an anatomical gift. Forty-two other states have this "First Person Consent" law that makes it clear that the wishes of the deceased individual takes precedence over those of the surviving family members and guardians. Twelve of these states (including neighboring Illinois and Minnesota) have recently strengthened their laws to clarify that family members can no longer override an individual's wish to donate.

Thank you for your consideration of our proposal. I would be happy to address any questions you may have.

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